

FARUKI IRELAND & COX P.L.L.

ATTORNEYS AT LAW

TRUSTED WISDOM. EXTRAORDINARY RESULTS.

US EPA RECORDS CENTER REGION 5



Respond to Dayton Office

Erin E. Rhinehart
(937) 227-3714
erhinehart@ficlaw.com

January 30, 2015

Leslie Patterson
Remedial Project Manager
U.S. Environmental Protection Agency
77 West Jackson Boulevard (SR-6J)
Chicago, IL 60604-3590

Re: South Dayton Dump & Landfill Site in Moraine, Ohio

Dear Ms. Patterson:

This letter responds to the January 16, 2015 Special Notice Letter regarding the South Dayton Dump and Landfill in Moraine, Ohio ("Site"). I am writing on behalf of Cox Media Group Ohio ("CMGO"). In the Special Notice Letter, CMGO was encouraged to contact you by January 30 to indicate its willingness to participate in future negotiations concerning the Site.

In a September 26, 2012 letter sent to the EPA on behalf of CMGO (copy enclosed), Robert Bartlett of our law firm stated that CMGO had performed a preliminary investigation of the EPA's allegations relating to the site. Based on that investigation, Mr. Bartlett stated that CMGO would not voluntarily perform or finance response activities that the EPA had determined, or may determine, are required at the Site.

As you know, there is litigation in the U.S. District Court in Dayton concerning this site, Hobart, et al. vs. The Dayton Power & Light Co., et al., Case No. 3:13-cv-115-WHR. We have been monitoring discovery in that case and a number of witness have been unable to link CMGO (or its predecessors) to the site. Given the lack of any new, credible evidence since September 2012, CMGO's position has not changed. CMGO will nevertheless respond to the EPA's request for information in the Special Notice Letter to the extent required by law.

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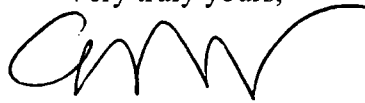
Margaret Herring, Civil Investigator
January 30, 2015
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Please direct all future communications regarding this matter to me, Erin E. Rhinehart, legal counsel for CMGO:

Erin E. Rhinehart, Esq.
Faruki Ireland & Cox P.L.L.
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, Ohio 45402
(937) 227-3714

If I am unavailable, please contact Jeff Ireland at the same address. His direct number is (937) 227-3710. If you have any questions, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Erin E. Rhinehart', with a stylized, flowing script.

Erin E. Rhinehart

EER/slr

cc: D. Jeffrey Ireland, Esq.
Robert P. Bartlett, Jr., Esq.

FARUKI IRELAND & COX P.L.L.

ATTORNEYS AT LAW

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Respond to Dayton Office

Robert P. Bartlett, Jr.
(937) 227-3707
rbartlett@ficlaw.com

September 26, 2012

VIA ELECTRONIC MAIL
AND REGULAR U.S. MAIL

Carol Ropski
U.S. Environmental Protection Agency
Superfund Division
Enforcement and Compliance Assurance Branch
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: South Dayton Dump and Landfill Site in Moraine, Ohio
Site Spill Identification Number: B52B
General Notice of Potential Liability

Dear Ms. Ropski:

This letter responds to the September 10, 2012 letter regarding the South Dayton Dump and Landfill Site in Moraine, Ohio ("Site"). I am writing on behalf of Cox Media Group Ohio ("Cox Media"). Cox Media has conducted a preliminary investigation into the EPA's allegations relating to the Site. Based on that investigation, Cox Media declines to agree to reimburse the EPA for costs incurred to date, and Cox Media does not agree to voluntarily perform or finance the response activities that the EPA has determined, or will determine, are required at the Site.

As requested on page 3 of the September 10 letter, the following is Cox Media's status report of its involvement in pending litigation relating to the Site. On June 29, 2012, in the case captioned Hobart Corporation, et al. v. Waste Management of Ohio, Inc., et al., Case No. 3:10-CV-00195, which has been pending in the Southern District of Ohio before Judge Walter H.

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Carol Ropski
September 26, 2012
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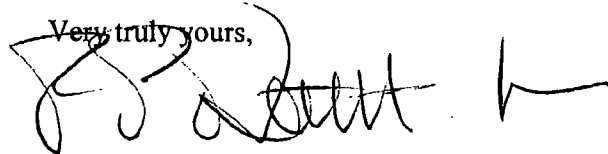
Rice since May 24, 2010, Plaintiffs Hobart Corporation, NCR Corporation and Kelsey-Hayes Company filed a Motion for Leave to File Third Amended Complaint. See attached. The Third Amended Complaint includes additional named defendants, including Cox Media. As of the date of this letter, the Court has not ruled on Plaintiffs' Motion for Leave. Therefore, Cox Media is not a party to the lawsuit, and Cox Media has not participated in the lawsuit. Since Cox Media is not a party to the lawsuit, it declines to send a copy of this letter to any of the parties to the lawsuit, as requested by the EPA in its September 10 letter.

Finally, please direct all future communications regarding this matter to me,
Robert P. Bartlett, Jr., legal counsel for Cox Media:

Robert P. Bartlett, Jr., Esq.
Faruki Ireland & Cox P.L.L.
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, Ohio 45402
(937) 227-3707

If I am unavailable, please contact Jeff Ireland at the same address. His direct number is (937) 227-3710. If you have any questions, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Bartlett, Jr.', with a stylized flourish at the end.

Robert P. Bartlett, Jr.

RPB/slr
Enclosure

cc: D. Jeffrey Ireland, Esq.
Erin E. Rhinehart, Esq.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

HOBART CORPORATION, <i>et al.</i> ,)	CASE NO. 3:10-CV-00195
)	
Plaintiffs,)	JUDGE WALTER HERBERT RICE
)	
vs.)	
)	
WASTE MANAGEMENT OF OHIO,)	
INC., <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFFS HOBART CORPORATION, NCR CORPORATION AND
KELSEY-HAYES COMPANY'S MOTION FOR LEAVE
TO FILE THIRD AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15(a), Hobart Corporation, Plaintiffs NCR Corporation and Kelsey-Hayes Company (collectively "Plaintiffs") hereby request leave to file their "Third Amended Complaint." Through this motion, Plaintiffs seek to amend their Second Amended Complaint (Doc. No. 69), which was filed on January 11, 2011, to: add additional newly-discovered defendants; add a theory of owner/operator liability against Defendant Dayton Power & Light Company; and add allegations that Defendant Waste Management of Ohio, Inc. is the successor to waste transporters not identified in the Second Amended Complaint. This motion is supported by the attached memorandum of law.

Dated: June 29, 2012

Respectfully submitted,

/s/ Michael A. Cyphert

Michael A. Cyphert, Esq. (0007086) – Trial Attorney

Leslie G. Wolfe, Esq. (0072838)

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